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REJECTION OVER A PENDING "REFERENCE" APPLICATIONDocket Number (Optional)
000166.0109-US04

In re Application of: David Edwards et al.

Application No.: 10/771,447-Conf. #3817

Filed: February 5, 2004

For: INHALATION DEVICE AND METHOD

The owner*, Advanced Inhalation Research, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/771,551, filed on February 5, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. _____

Claire M. Vasios
Signature

16 Feb 2006
Date

Claire M. Vasios, Ph.D.

Typed or printed name

(617) 494-0171
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: David Edwards et al.Application No./Patent No.: 10/771,447 Filed/Issue Date: February 5, 2004Entitled: INHALATION DEVICE AND METHOD

Advanced Inhalation Research, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

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A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012038
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[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Claire M. Vasio 16 Feb 2006
Signature Date

Claire M. Vasio, Ph.D.
Printed or Typed Name

(617) 494-0171
Telephone Number

Vice President, Intellectual Property
Title